

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark Kutney, AICP/(954) 797-1101

SUBJECT: Quasi Judicial Hearing: Variance
V 9-1-01 Yadel Holding, Inc., 5151 SW 61 Avenue, generally
located on the west side of 61 Avenue approximately 1/2 mile
south of Griffin Road.

TITLE OF AGENDA ITEM:

V 9-1-01, Yadel Holding, Inc. , 5151 SW 61 Avenue (CF)

REPORT IN BRIEF: The applicant owns and operates a Life Care Facility (Victoria Villa) with sleeping accommodations for 40 elderly residents on an existing site of 10 acres. The current application is requesting that the condition to the variance V 11-1-95 be modified so that the facility can accommodate up to 80 residents with the proposed additions and other architectural improvements to the existing buildings.

PREVIOUS ACTIONS: None

CONCURRENCES: The Planning and Zoning Board recommended approval of the request at its October 24, 2001 meeting subject to the petitioner meeting with the 2 opposed residents who are concerned about noise and traffic, provision of adequate buffers, substantial compliance with the site plan submitted as Exhibit 1, and Voluntary Deed Restriction limiting the site to 80 beds (Motion carried 4-0, Chair Stahl was absent).

FISCAL IMPACT: None

RECOMMENDATION(S): Motion to approve

Attachment(s): Justification Letter, V 11-1-95 Staff Report, Land Use Map, Subject Site Map, Aerial, Exhibit 1.

Application #: V 9-1-01
Exhibit "A"

Revisions:
Original Report Date: 10/17/01

TOWN OF DAVIE
Development Services Department
Planning & Zoning Division Staff
Report and Recommendation

APPLICANT INFORMATION

Owner:

Name: Yadel Holding, Inc.
Susan Eichler, President

Address: 5151 SW 61st Avenue

City: Davie, FL 33314

Phone: (954)791-8881

Agent:

Name: Yadel Holding, Inc.
Susan Eichler, President

Address: 5151 SW 61st Avenue

City: Davie, FL 33314

Phone: (954)791 8881

BACKGROUND INFORMATION

Date of Notification: October 17, 2001 **Number of Notifications:** 55

Application History: No deferrals have been requested.

Application Request: One (1) variance to remove the condition placed by V 11-1-95 which limited the use of the facility to forty (40) people **TO:** allow for eighty (80) residents.

Address/Location: 5151 SW 61 Avenue/Generally located on the west side of 61 Avenue approximately 1/2 mile south of Griffin Road.

Future Land Use Plan Designation: Residential (1 DU /AC)

Zoning: CF, Community Facilities

Existing Use: Life care facility with forty (40) residents

Proposed Use: Life care facility with eighty (80) residents

Parcel Size: 10 acres (435,612 square feet)

Surrounding Uses:

North: Single Family Residential

South: Single Family Residential

East: Single Family Residential

West: Single Family Residential

Surrounding Land

Use Plan Designation:

Residential (2 DU/AC)

Residential (3 DU/AC)

Residential (1 DU/AC)

Residential (5 DU/AC)

Surrounding Zoning

North: R-2, Low Density Dwelling District

South: R-2, Low Density Dwelling District

East: R-1, Estate Dwelling District, A-1, Agricultural District

West: A-1,Agricultural District, RO,Residential/Office District, and A-1,Agricultural District

ZONING HISTORY

Related Zoning History: None

Previous Request on same property: V-11-1-95, **FROM:** Section 12-34(Z)(2) which requires life care facilities to be located at least 2,500 feet from any other similar establishment, **TO:** Reduce the required separation from 2,500 feet to 980 feet from a similar establishment (Davie's Country Living) to the southwest. The subject Variance was approved (with a limit of forty [40] residents) by Town Council on December 6, 1995.

APPLICATION DETAILS

The applicant owns and operates a Life Care facility (Victoria Villa) with sleeping accommodations for 40 elderly residents on an existing site of 10 acres. The property is zoned CF, Community Facilities District and the building is adequately suited for the current use in place. The current application is requesting that the condition to the variance be modified so that the facility can accommodate up to 80 residents with the proposed additions and other architectural improvements to the existing buildings.

Applicable Codes and Ordinances

1. Section 12-309 of the Land Development Code, review for variances.
2. "Life/Residential Care Facility" and "Special Residential Facilities" as a permitted use of land subject to the standards and conditions of Section 12-34, Detailed Use Regulations. Section 12-34 (Z) (6) states that "the maximum parcel size for a residential care facility, except a life care facility, shall be two and one-half (2 1/2) gross acres in all districts." Sponsored housing and life care facilities are the only type of facilities permitted, under Section 12-34 (Z) (5), to exceed 40 full-time residents. Since Victoria Villa currently has forty (40) full-time residents this appears to indicate that previous staff may have regarded the facility as a life care facility, convalescent or rest facility, as supported by backup information of Variance V 11-1-95, which was approved by the Town Council on December 6, 1995. Life care facilities and sponsored housing are permitted up to one hundred (100) dwelling or residential units under the aforementioned Section.
3. Section 12-503 of the Land Development Code defines life care facility as "an adult living facility licensed by the Florida Department of Health and Rehabilitative Services which through the sale or rental of individual dwelling units undertakes through its ownership or management to provide one (1) or more personal services for four (4) or more adults not related to the owner or administrator by blood or marriage who require such services... "Personal services" means services in addition to housing and food services, which include, but are not limited to: Personal assistance with bathing, dressing, ambulation, housekeeping, supervision, emotional security, eating, supervision of self-administered medications, and assistance with securing health care from appropriate sources."

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 9. This planning area is

south of Griffin Road, generally north of Stirling Road, east of SW 76 Avenue and West of the Florida Turnpike. This area is predominantly agricultural in nature with scattered low-density single-family residential development.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102.

The Broward County Land Use Plan defines categories of Special Residential Facilities such as group homes and foster care facilities, consistent with Broward County Ordinance 85-92, for the purpose of determining permitted locations and density standards. These facilities are subject to the Special Special Residential Facilities provisions and allocation of reserve, flexibility, or bonus sleeping rooms as contained in the “Administrative Rule Document : Broward County Land Use Plan. In order to facilitate implementation of this section, each local government may permit a maximum of one hundred (100) “bonus” sleeping rooms, consistent with Broward County Ordinance 85-92, that are permanently dedicated to special Residential use without allocating density.

Applicable Goals, Objectives & Policies: Policy 6-4: The location of Special Residential Facilities in areas designated for Residential use is encouraged where such facilities are compatible with and complementary to the surrounding community.

Policy 6-5: Special Residential Facilities, including, but not limited to, ACLF’s, group homes and adult day care facilities, shall be designed for maximum compatibility with adjacent residential uses. The Town shall ensure maximum compatibility through the Special Permit and/or site plan review processes.

Staff Analysis

Special Residential Facilities are permitted within limitations as stated in the Permitted Uses section of the Land Development Code. Under this section, each local government may permit a maximum of one hundred (100) “bonus” sleeping rooms that are permanently dedicated to Special Residential use without allocating density. Section 12-34 (Z)(6) states that “the maximum parcel size for a Special Residential Facility, except a Life Care Facility, shall be two and one-half (2 1/2) gross acres in all districts.” The subject site is ten (10) acres and was ten (10) acres at the time of the V 11-1-95 approval by the Town Council. Sponsored Housing and Life Care Facilities are the only type of facilities permitted, under Section 12-34 (Z) (5), to exceed 40 full-time residents. Victoria Villa is not a Sponsored Housing Facility. Victoria Villa currently has forty (40) full-time residents and this appears to indicate that previous staff may have regarded the facility as a Life Care Facility, convalescent or rest facility, as supported by backup information of Variance V 11-1-95, which was approved by the Town Council on December 6, 1995. Life Care Facilities are permitted up to one hundred (100) dwelling units under the aforementioned Section. Therefore, the subject request is consistent in that Victoria Villa operates as a Life Care Facility and is entitled to privileges of the allowable capacity under Section 12-34(Z)(5) of the Land Development Code.

The proposed improvements to the existing facility are compatible with the existing neighborhood while retaining its quiet and safe environment. Furthermore, the appearance and value of the property would be greatly enhanced with the architectural improvements to the existing buildings. The buildings and its ancillary facilities including patios, covered walking path, and new parking areas have been designed to improve and maximize the use of the subject property. Staff finds that these improvements are

consistent with the intent of the policies of the Town's Comprehensive Plan.

Findings of Fact

Variances:

Section 12-309(B)(1):

The following findings of facts apply to the variance request.

(a) There are special circumstances or conditions applying to the land or building for which the variance is sought, which circumstances or conditions are peculiar to such land or building and does not apply generally to land or building in the same district, and that said circumstance or condition is such that the strict application of the provisions of this chapter would deprive the application of the reasonable use of such land or building for which the variance is sought. The alleged hardship is not self-created by persons having an interest in the property.

(b) The granting of the variance is necessary for the reasonable use of the land or building and that the variance as requested is the minimum variance that will accomplish this purpose.

(c) Granting of the requested variance will be in harmony with the general purpose and intent of this chapter and will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Staff Recommendation

Recommendation: Based upon the above and the findings of fact, in the affirmative staff recommends **approval** of petition V 9-1-01.

Planning & Zoning Board Recommendation

The Planning and Zoning Board recommended approval of the plat on its 10/24/01 meeting subject to the petitioner meeting with 2 opposed residents who are concerned about noise and traffic, provision of adequate buffers, substantial compliance with the site plan submitted as Exhibit 1, and Voluntary Deed Restriction limiting the site to 80 beds. (Motion carried 4-0, Chair Stahl was absent)

Exhibits

1. Justification letter
2. V 11-1-95 Staff Report
3. Land use map
4. Subject site map
5. Aerial

Prepared by: _____

Reviewed by: _____

STEEL ■
HECTOR
■ DAVIS

Steel Hector & Davis, Inc.
200 South Broward Boulevard
Miami, Florida 33131-9130
Phone 312-7555
Telex 210100 STEEL
Cable: Steel Hector & Davis

Felix M. Lasarte
Mayor
Town Of Davie, Florida

V 91-01

September 4, 2001

Chris Gratz
Planning and Zoning
Town Of Davie
6591 SW 45th Street
Davie, Florida 33314-3399

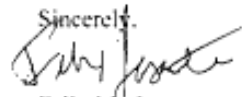
Re: Victoria Villa/5151 SW 61 Street

Dear Chris:

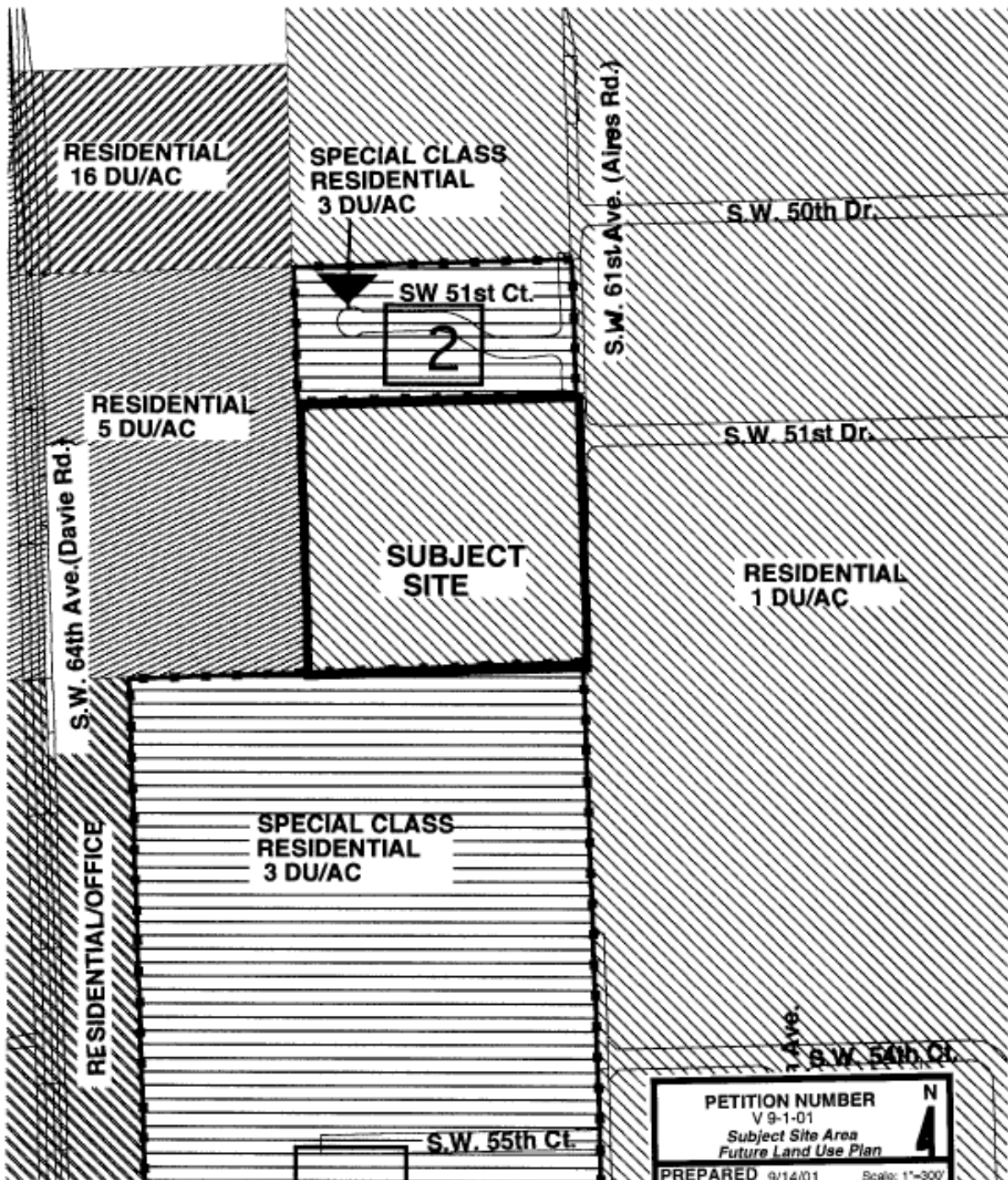
Enclosed please find an executed zoning application which is being submitted by Yadel Holdings, Inc ("Applicant") to the Town Of Davie requesting that a condition to a variance be modified. The Applicant owns the above-referenced property, which houses a life care facility operating as Victoria Villa. The subject property went through a variance hearing (V11-1-95) in 1995 to permit two life care facilities to operate within 2500 feet of another. At the hearing, the Town Council imposed a condition that limited the number of beds to forty (40).

Since 1995, Victoria Villa has operated without any complaints and has been providing a valuable service to the Town of Davie's growing population. Unfortunately, due to increased operation costs, Victoria Villas needs to expand its facilities to allow 80 beds. In order to do so, it must modify the condition to the variance.

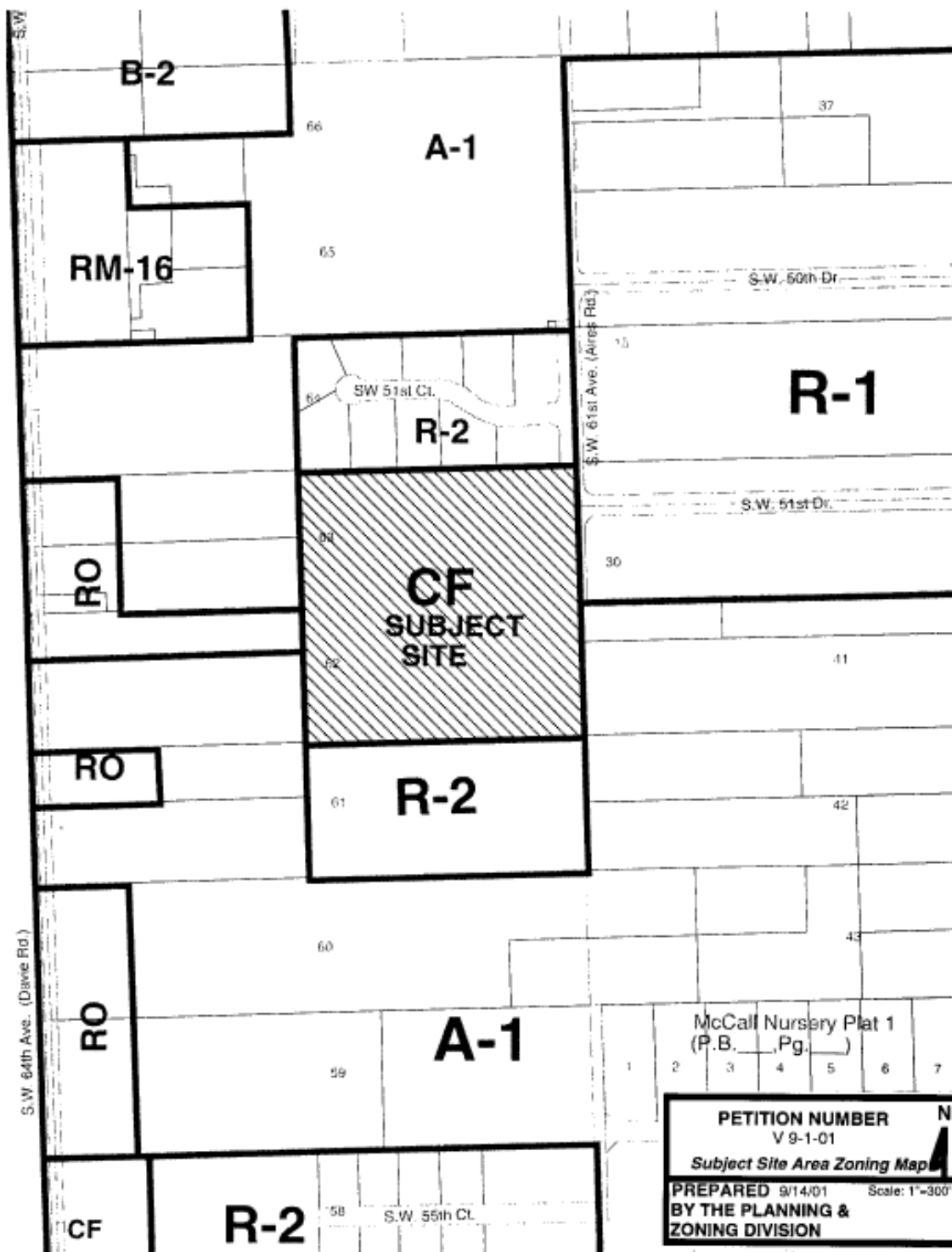
We look forward to staff's favorable recommendation of this application, since the expansion will not unduly burden the existing public services and facilities and the character of the neighborhood will be maintained. This facility provides a unique service in the Town of Davie, that benefits the parents of many of its residents. Please call us if you have any questions.

Sincerely,

Felix M. Lasarte

Enclosures



PETITION NUMBER
V 9-1-01
Subject Site Area
Future Land Use Plan
PREPARED 9/14/01 BY THE PLANNING & ZONING DIVISION
Scale: 1"=300'
N
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**TOWN OF DAVIE
PLANNING AND ZONING DEPARTMENT
PLANNING REPORT**

November 30, 1995

SUBJECT: Variance V 11-1-95

APPLICANT: Susan Eichler, petitioner / Seafeld Center South, Inc., owner

ADDRESS/LOCATION: 5151 SW 61st Avenue

LAND USE PLAN/ZONING: Residential (1 du/ac) / CF

REQUEST: **From:** Section 12-34(Z)(2) which requires life care facilities to be located at least 2,500 feet from any other similar establishment.
 To: Reduce the required separation from 2,500 feet to 980 feet from a similar establishment to the southwest.

EXHIBITS TO BE INCLUDED: Variance application, subject site map, planning report, and aerial.

ANALYSIS: The subject site is a ten acre parcel containing a 10,300 square foot structure constructed as a community facility and previously utilized as a drug and alcohol rehabilitation center. The site is bound on the north by single family homes zoned R-2, and on the south, east, and west by agricultural properties zoned A-1, R-1, and R-2. The petitioner is requesting a reduction in the required separation between special residential facilities to accommodate a life care facility for 40 elderly adults. The applicant has indicated special circumstances apply as the existing structure was constructed specifically for this type of community facility use and that the proposed use will not be injurious to the neighborhood or otherwise detrimental to the public welfare.

Where applicable, the review of a variance request should include consideration of the criteria noted in Section 12-309 of the Land Development Code which is attached hereto and made a part hereof.

Comprehensive Plan Policy 25-2 provides that land development regulations shall establish setbacks or separation regulations to enhance living and working environments. Section 12-34(Z)(2) of the Town Code addresses this policy and requires life care facilities to be located at least 2,500 feet from any other similar establishment. This requirement is intended to discourage new development which creates a concentration of certain similar uses. The requested variance addresses a separation from a similar facility known as Davie Country Living located approximately 980 feet to the southwest, along the Davie Road corridor.

The petitioner has acknowledged these concerns and has stipulated that the requested variance, if approved, would apply only to this facility and would not be transferable to another facility. Special circumstances exist with regards to this site in consideration of the existing site development, established structure for this type of facility, and

preceding use. The requested variance, together with the applicants voluntary stipulation, allows a reasonable use of the property consistent with the general intent and purpose of the Code.

RECOMMENDATION: The Planning and Zoning Department, therefore, recommends **APPROVAL** of the requested variance, subject to the applicant's voluntary stipulation, to reduce the required separation from 2,500 feet to 980 feet from a similar establishment to the southwest (retirement home).

PLANNING AND ZONING BOARD RECOMMENDATION: Motion to recommend **APPROVAL** (3-2, subject to applicant's voluntary stipulation with Mr. Brill and Mr. Halperin dissenting) November 29, 1995.